

TOWN OF DEDHAM  
ZONING BOARD OF APPEALS  
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026



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**DECISION**

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<b>APPLICANT:</b>	<b>Edward T. Conway</b>
<b>PROJECT ADDRESS:</b>	<b>75 Pacella Drive</b>
<b>PROPERTY OWNER:</b>	Edward T. Conway et ux
<b>CASE #:</b>	VAR-03-12-1507
<b>MAP/LOT:</b>	134/31
<b>ZONING DISTRICT:</b>	Single Residence B
 <b>DATE OF APPLICATION:</b>	March 23, 2012
<b>DATE OF HEARING:</b>	April 25, 2012
<b>MEMBERS PRESENT AND VOTING:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., J.H. Rumpp, AICP
 <b>APPLICANT REPRESENTATIVE:</b>	Edward T. Conway
<b>PETITION:</b>	To be allowed a Special Permit to construct an addition with a 5.7 foot side yard setback to a nonconforming dwelling.
 <b>SECTION OF ZONING BY-LAW:</b>	<i>Sections 3.3.5 and 4.0 Table of Dimensional Requirements</i>
 <b>DATE OF FILING WITH TOWN CLERK:</b>	<b>MAY 17, 2012</b>

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The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, April 25, 2012, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, E. Patrick Maguire, and Jason L. Mammone, P.E. In the absence of Member Scott M. Steeves, the Chairman appointed Associate Member J.H. Rumpp, AICP to sit in his place. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:45 p.m., the Chairman called for the hearing on the petition of Edward T. Conway, 75 Pacella Drive, Dedham, MA. The Applicant seeks to be allowed a side yard setback of 5.7 feet in order to convert a porch into a full room.

The following materials were submitted to the Board:

- Zoning Board of Appeals application, request for abutters list, and authorization form for publication in *The Dedham Times*
- Petition statement prepared by Applicant
- Certified plot plan prepared by Michael P. Antonino, 31 Ledgebrook Avenue, Stoughton, MA
- Photographs of existing conditions

The one-and-one-half page minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 75 Pacella Drive and is shown on Dedham Assessors' Map 134, Lot 31. The certified plot plan indicates that the Subject Property contains 28,353 square feet of land. According to the Dedham Zoning Map, the Subject Property is located in the Single Residence B (SRB) zoning district. Currently, the property is occupied by a one family dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1960.

The Applicant proposes to convert an existing porch into a full room. The room will have no foundation and will be extend an additional four (4) feet. To do this, he will require a side yard setback of 5.7 feet. He indicated that his next door neighbor has no objection to his petition.

No one appeared before the Board to oppose or support the petition.

On a motion made by J. Gregory Jacobsen and seconded by J.H. Rump, AICP, the Zoning Board of Appeals voted unanimously (5-0) to approve a 5.7 foot side yard setback for 75 Pacella Drive for the purposes of converting and extending an existing porch into a full room without foundation.

The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said special permits, the ZBA finds that, after consideration of the criteria Dedham Zoning By-Law, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. Applicant is further advised that no waivers/variance will be issued by the Building Department until evidence is presented that this decision has been recorded in the Norfolk County Registry of Deeds. The Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

Dated: May 17, 2012

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James F. McGrail, Esq.

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J. Gregory Jacobsen

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E. Patrick Maguire, LEED AP

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Jason L. Mammone, P.E.

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J.H. Rumpp, AICP